

COMMITTEE AMENDMENT FORM

DATE: 1/29/13

COMMITTEE CITY UTILITIES

PAGE NUM(S) 1

ORDINANCE I. D. #13-O-0171

SECTION (S)

RESOLUTION I. D. #13-R-

PARA. CAPTION

THE AMENDMENT INSERTS THE FOLLOWING LANGUAGE IN THE
CAPTION OF THE LEGISLATION”

“AND THE WAIVER OF ARTICLE X, DIVISION 14, SECTIONS
2-1541(d) AND 1545(d) OF THE PROCUREMENT AND REAL
ESTATE CODE OF THE CITY OF ATLANTA CODE OF
ORDINANCES,”

AN ORDINANCE**BY COUNCILMEMBERS H. LAMAR WILLIS AND AARON WATSON****AS AMENDED BY CITY UTILITIES COMMITTEE**

AN AMENDED ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND IDENTIFIED ON EXHIBIT A, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN, AND THE WAIVER OF ARTICLE X, DIVISION 14, SECTIONS 2-1541(d) AND 1545(d) OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, FOR THE PURPOSES OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar, the first phase of which will span 2.7 miles in downtown Atlanta ("Project"), it is necessary for the City of Atlanta ("City") to acquire certain permanent and construction easements and necessary rights-of-way from private property owners; and

WHEREAS, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer or his designee or consultant to negotiate and settle temporary or permanent construction easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code requiring further authorization of City Council in connection with three identified parcels of property; and

WHEREAS, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified the additional parcels of property identified on Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Property"), for which a temporary and/or permanent construction easement is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Downtown Atlanta Improvement District and the Metropolitan Atlanta Rapid Transit Authority ("MARTA"), authorized by Atlanta City Council Ordinance 11-O-0327,

MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

WHEREAS, MARTA's procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and

WHEREAS, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization from City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance should be waived.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Procurement Officer, his designee or consultant is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project for the Property.

SECTION 2: That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

SECTION 3: That the Chief Procurement Officer, his designee or consultant is hereby authorized to negotiate with each Property owner to acquire temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project.

SECTION 4: That the Chief Procurement Officer, his designee or consultant is authorized to settle those acquisitions of the Property at an amount not to exceed ten percent (10%) or Two Hundred and Fifty and 00/100 Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event, shall the Chief Procurement Officer's authority to negotiate or settle administratively such acquisitions without City Council authorization exceed twenty percent (20%) or Five Hundred and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property.

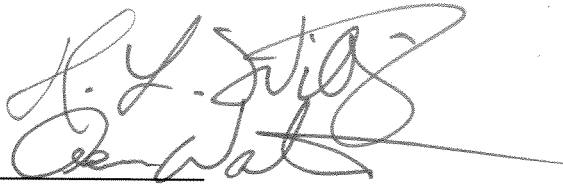
SECTION 5: That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance are waived.

SECTION 6: That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer, his designee or consultant.

SECTION 7: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar).

SECTION 8: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

AN ORDINANCE
BY COUNCIL MEMBER



13-0-0171

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND IDENTIFIED ON EXHIBIT A, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN, FOR THE PURPOSES OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar, the first phase of which will span 2.7 miles in downtown Atlanta ("Project"), it is necessary for the City of Atlanta ("City") to acquire certain permanent and construction easements and necessary rights-of-way from private property owners; and

WHEREAS, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer or his designee or consultant to negotiate and settle temporary or permanent construction easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code requiring further authorization of City Council in connection with three identified parcels of property; and

WHEREAS, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified the additional parcels of property identified on Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Property"), for which a temporary and/or permanent construction easement is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Downtown Atlanta Improvement District and the Metropolitan Atlanta Rapid Transit Authority ("MARTA"), authorized by Atlanta City Council Ordinance 11-O-0327, MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

WHEREAS, MARTA's procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and

WHEREAS, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization from City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance should be waived.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Procurement Officer, his designee or consultant is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project for the Property.

SECTION 2: That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

SECTION 3: That the Chief Procurement Officer, his designee or consultant is hereby authorized to negotiate with each Property owner to acquire temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project.

SECTION 4: That the Chief Procurement Officer, his designee or consultant is authorized to settle those acquisitions of the Property at an amount not to exceed ten percent (10%) or Two Hundred and Fifty and 00/100 Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event, shall the Chief Procurement Officer's authority to negotiate or settle administratively such acquisitions without City Council authorization exceed twenty percent (20%) or Five Hundred and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property.

SECTION 5: That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance are waived.

SECTION 6: That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer, his designee or consultant.

SECTION 7: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar).

SECTION 8: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

EXHIBIT A

Atlanta Streetreetcar Additional Right-of-Way and Easement Needs

Address	Approx. STA	Permanent Easement (Estimated SF)	Temporary Easement (Estimated SF)	Purpose
91 Peachtree Street	101+25	100	1210	Permanent Easement - OCS poles and roadway widening
212 Edgewood Avenue	130+05	0	116	Temporary Construction Easement - Sidewalk reconstruction
207 Edgewood Avenue	129+95	0	24	Sidewalk reconstruction
246 Edgewood Avenue	132+75	0	30	Sidewalk reconstruction
252 Edgewood Avenue	133+27	0	6	Sidewalk reconstruction
346 Edgewood Avenue	141+85	0	43	Sidewalk reconstruction
345 Edgewood Avenue	141+85	0	15	Sidewalk reconstruction
400 Edgewood Avenue	148+25	0	103	Sidewalk reconstruction
91 Pryor Street	196+00	0	177	New curb location, Sidewalk reconstruction
133 Peachtree Street	201+80	0	72	OCS pole construction
133 Peachtree Street	202+60	153	326	Permanent Easement - Streetcar stop
171 Peachtree Street	203+25	396	385	Temporary Construction Easement - Sidewalk reconstruction
265 Park Avenue West	219+50	78	0	Permanent Easement - Streetcar stop, OCS poles and OCS wiring
180 Techwood Drive	221+15	148	288	Temporary Construction Easement - Sidewalk reconstruction
90 Forsyth Street	233+75	0	23	OCS pole
				OCS pole, Sidewalk reconstruction
				Sidewalk reconstruction

Total	875	2818
--------------	------------	-------------

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: _____

Caption:

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND IDENTIFIED ON EXHIBIT A, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN, FOR THE PURPOSES OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

Council Meeting Date: January 7, 2013 (1st read) & January 22, 2013 (final action)

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize the Chief Procurement Officer, his designee or consultant, to obtain the necessary title reports, appraisal reports, land surveys, legal descriptions and environmental reports, and to purchase temporary and/or or permanent construction easements and necessary rights-of-way to complete construction of Atlanta Streetcar Project.

2. Please provide background information regarding this legislation.

Construction of the Atlanta Streetcar Project will require the acquisition of certain permanent and temporary construction easements, and necessary rights-of-way, from the property owners of the properties listed on Exhibit A, attached hereto and by reference made a part hereof, in order to complete the construction of the Atlanta Streetcar Project. In accordance with the Intergovernmental Agreement between the City of Atlanta ("City"), ADID and MARTA, and to facilitate timely acquisitions from the property owners, MARTA shall procure the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c). While the City must adhere to FTA guidelines during the acquisitions, the City's process, rules and regulations will be followed pursuant to the Procurement and Real Estate Code of the City's Code of Ordinances.

3. If Applicable/Known:

- (a) Contract Type:**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Yolanda Favors